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Question of the Falkland Islands (Malvinas)

Letter dated 27 July 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit a copy of the note dated 23 July 2010 from the Government of Argentina, which was delivered to the Embassy of the United Kingdom of Great Britain and Northern Ireland in Buenos Aires and which rejects the entire contents of the letter distributed as General Assembly document A/64/675 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly under agenda item 23 concerning the question of the Malvinas Islands.

(*Signed*) Diego **Limeres**
Minister
Deputy Permanent Representative
Chargé d'affaires a.i.

* Reissued for technical reasons on 10 August 2010.

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Annex to the letter dated 27 July 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

The Malvinas and South Atlantic Department of the Ministry of Foreign Affairs, International Trade and Worship presents its compliments to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic and wishes to refer to the letter addressed to the Secretary-General of the United Nations and distributed as a United Nations document with the symbol A/64/675.

The Argentine Government rejects the entire contents of the above-mentioned letter.

The principle of self-determination of peoples invoked by the United Kingdom as the only argument to sustain its position in the sovereignty dispute is not applicable to the question of the Malvinas Islands. This is reflected in General Assembly resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25 and in the resolutions adopted each year by the Special Committee on decolonization. These resolutions have described the question of the Malvinas Islands as a special and particular colonial situation, involving a sovereignty dispute between the Argentine Republic and the United Kingdom that needs to be resolved by means of negotiations between the two parties, taking into account the interests of the inhabitants of the Islands.

Argentina therefore reiterates its rejection of the United Kingdom's attempt to apply the principle of self-determination of peoples to the question of the Malvinas Islands and to any alleged exercise of that right. Furthermore, the British attempt to place conditions on its obligation to resume negotiations with Argentina concerning sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas lacks any basis in fact and is contrary to the principles of the Charter of the United Nations and General Assembly resolutions.

Argentina also considers it necessary to make a number of comments in relation to the United Kingdom's reference, in its letter of 18 February 2010, to the provisional understandings under the sovereignty formula.

The Argentine Republic is not averse to cooperating with the United Kingdom on practical issues deriving from the de facto situation in the South Atlantic, with due juridical protection and with the purpose of creating the framework that would allow both parties to resume the negotiations demanded by the international community.

It is clear from the above-mentioned understandings that they specifically refer to the dispute between the Argentine Republic and the United Kingdom concerning sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. According to international law, the two countries are obliged to resolve this dispute peacefully. The claim that these understandings might not be provisional is thus inconsistent with a good-faith interpretation of the principles of the Charter. These understandings are necessarily provisional, unless one of the parties to the dispute intends to fail indefinitely to

meet its obligations to find a peaceful solution by refusing to resume the negotiations on the substance of the sovereignty dispute.

Argentina has repeatedly pointed out to the United Kingdom the profound inconsistency between the commitments assumed in the provisional understandings and the United Kingdom's deliberate unilateral actions in applying them. Furthermore, through its actions it is attempting to introduce modifications in the situation while the Islands are going through the process recommended in General Assembly resolutions, in clear contravention of resolution 31/49.

Furthermore, the above-mentioned British letter indicates a lack of awareness of the geographical area of the sovereignty dispute and the bilateral understandings. Argentina reminds the United Kingdom that this area includes the Malvinas Islands, South Georgia Islands and South Sandwich Islands and *the* surrounding maritime areas.[1]

The Argentine Republic reaffirms its legitimate rights to sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, which are an integral part of its national territory and are under illegitimate British occupation.

The Malvinas and South Atlantic Department of the Ministry of Foreign Affairs, International Trade and Worship takes this opportunity to convey to the Embassy of the United Kingdom of Great Britain and Northern Ireland the renewed assurances of its highest consideration.

Buenos Aires, 23 July 2010

[1] Joint statement by the delegations of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland, Madrid, 19 October 1989.